

REMARKS

Applicant has carefully reviewed the office action mailed March 28, 2007. Applicant further thanks the Examiner for the telephone interview held May 31, 2007, and the present amended is intended to implement the conclusions of our meeting. The present amendment is intended to be fully responsive to all points of rejection raised by the Examiner, and is believed to place the application in condition for allowance. Favorable reconsideration and allowance is hereby solicited.

Applicant herein cancels without prejudice claims 110 – 129. Thus, claims 130 – 132 remain in the case.

Support for the amendments may be found in the originally filed specification and claims, and in particular the section before the detailed description associated with Figs. 14A - 15. No new matter is added by these amendments.

SUBSTANCE OF THE INTERVIEW

A telephonic interview was held on May 31, 2007. The rejection under 35 U.S.C. 112 first paragraph was discussed, and applicant advised that the memory of the subject claims is identified in the originally filed specification as essential circuitry 2400, 2500 of Figs. 14A, 15 respectively. The examiner requested confirmation in writing thereto, and thus this response is deemed to meet the examiner's request.

The rejection under 35 U.S.C. 103 and the prior art of record was further discussed. In particular it was noted that the power sources of Horning are both internally located, with a first one being a mains fed power supply and a second being a battery fed power supply. In particular the back-up supply receives power from a local battery. Bouffard exhibits a plurality of collocated power supplies, and a means for detecting a failure so that an operating power supply can be used to replace the failed power supply. These differ substantially from the subject invention, exhibiting an internal mains fed power supply and a power supply receiving power

from a remote source over LAN supplying power to a memory in the absence of mains fed power.

Restriction Requirement

The examiner has restricted the claims of the application to one of Group I (claims 110 - 129) and Group II (claims 130 – 132). Applicant has elected Group II and cancelled claims 110 – 129 without prejudice.

Claim Rejections – 35 U.S.C. § 112

Claims 130 - 132 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The preliminary amendment filed Feb. 24, 2005 clarifies, based on the originally filed specification, and in particular the description of nodes in relation to Fig. 10A at page 55, and originally filed claim 11, that the essential circuitry of Figs. 14A, 15 is a general embodiment that constitutes in one particular embodiment a memory or memory back up unit. Thus, the memory of the subject claims is identified in the originally filed specification as essential circuitry 2400, 2500 of Figs. 14A, 15 respectively. As seen in Figs. 14A, 15 power source 2406, 2506, which is fed power over the LAN, feeds power to essential circuitry 2400, 2500 responsive to controller 2414, 2514, respectively.

Claim Rejections – 35 U.S.C. § 103

Claims 130 – 132 stand rejected under 35 USC 103 (a) over Horning (U.S. Patent 5,414,861) in view of Bouffard et al (U.S. Patent 5,939,801).

The back up power of Horning is based on batteries (col. 13, line 15 – 30) collocated with main power supply 32. The batteries of Horning may thus be selected to be optimized for use with the target computer in which they are placed.

Bouffard teaches a plurality of primary DC power supplies and at least one backup DC power supply. Each LAN transceiver is arranged to receive remote power from one of the primary DC power supplies, and in case of failure, from the backup DC power supply. The power is supplied to the remote LAN transceiver via the same cabling as carries the signal data (col. 1 line 35 – 37). The plurality of primary DC power supplies and at least one backup DC power supply are collocated in a power distribution control unit 24 (col.2 ln 53 – 57). Each of the primary DC power supplies and the backup DC power supply are connected to AC input power. Thus, the backup power supply may be selected to be optimized for use as a backup to one or more power supplies, and furthermore receives comparatively unlimited power input from the AC input power.

U.S. Patent Application S/N 2004/0103343 to Wu et al provides back up power based on internal battery 84 (paragraph 0020) collocated within computer 50 with adaptor 80. Adaptor 80 functions as a mains fed power supply. The batteries of Wu, similarly to the batteries of Horning, may thus be selected to be optimized for use with the target computer in which they are placed.

U.S. Patent S/N 5,946,17 to Portaro et al provides a plurality of collocated power sources 235a – 235 within remote power source 160. Each of the power sources receives power from a multiple AC outlet power strip 205 which is supplied with standard 110 volt AC power (col 5 ln 34 – 38). One of the power sources is reserved as a backup power source in the event of a failure of one or more of the primary converters (col 5 ln 50 – 55). Thus, the backup power supply may be selected to be optimized for use as a backup to one or more power supplies, and furthermore receives comparatively unlimited power input from the AC input power.

The above contrasts with the subject invention in which the primary power source is mains fed, however the secondary power source is arranged to receive power over communication cabling, i.e. LAN based power. Power over communication cabling is quite limited in relation to a mains fed power supply, and particularly has features and constraints due to the remote aspect of the powering as described for example at pages 84, 85 which differ

markedly from an internal battery powered supply. For example, in the event the second internal power supply receiving power over communication cabling does not draw sufficient current, thus representing an underload condition at the remote sourcing side, power after a predetermined period is terminated. Thus, unlike the battery of Horning and Wu, the second internal power supply of the subject invention must ensure that a minimum amount of current is consistently drawn so as to prevent termination. Additionally, the second internal power supply must be arranged to meet the interrogation of the remote sourcing side as described in Figs. 18A, 18B and the associated text at pages 79 – 83. Furthermore, unlike batteries which may be drained for a time at a high rate, power over communication cabling is limited to certain thresholds. In the event that the second power source attempts to draw more power than is allowed for a predetermined time period, power is cut off to the second power source. (Page 84). Thus, the secondary power source of the subject invention, recited as a power source receiving power over communication cabling, must tread a narrow line between undercurrent and overcurrent in order to maintain the supply of power. Such a result is neither suggested nor taught by the prior art.

CONCLUSION

In view of the foregoing, allowance of all pending claims (i.e., claims 130 - 132) is respectfully requested. The Examiner is encouraged to contact Applicant's undersigned agent by telephone if it would in any way aid in the advancement of this application to issue.

Respectfully submitted,

Dated: June 6, 2007
Reg. No. 48,249

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